

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 3:09-CR-00002-GHD

RICHARD F. "DICKIE" SCRUGGS

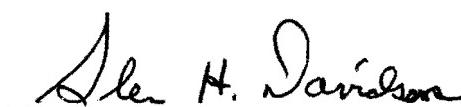
DEFENDANT

ORDER

The Court directs *sua sponte* that the court file in Cause Number 1:08CR003, styled *United States of America v. Joseph C. Langston*, in the United States District Court for the Northern District of Mississippi be incorporated herein and made a part of the record in the case *sub judice*.

The Court has the authority to expand the record pursuant to Rule 7 of the Rules Governing Section 2255 Proceedings. The 2004 advisory committee notes expressly state that Rule 7(a) "is not intended to restrict the court's authority to expand the record through means other than requiring the parties themselves to provide the information." Rule 7(b) provides that the record may be expanded with "letters predating the filing of the motion, documents, exhibits, and answers under oath to written interrogatories propounded by the judge," as well as affidavits. The above-referenced court file is a matter of public record, and, as such, falls within the ambit of Rule 7. In accordance with Rule 7(c), the Petitioner shall be afforded an opportunity to admit or deny the correctness of the same at an evidentiary hearing to be held in this cause.

It is SO ORDERED, this 27<sup>th</sup> day of December, 2011.

  
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SENIOR JUDGE